1947.

File No. Security Measures II/47

K

Legal **DEPARTMENT**

B **BRANCH**

Subject:—

Rules and Notifications under the Bombay Security Measures Act, 1946, which is substituted by the Bombay Public Security Measures Act, 1947.

File No. Security Measures II/47

Std. Sectt. Slip-24 B e.

6-B

C O N T E N T S.

Legal Department File No. Security Measures II/47

R. I / O. No.	Subject	Pages.
	Rules and Notifications under the Bombay Public Security Measures Act, 1947.	
A-Confl. 6-1-47.	Section 4 (6) (a) Notification under.	1-4.
O. No. 146-Confl. 5-4-47	Section 5, Notification under.	5-11.
O. No. 148-Confl. 7-4-47.	Section 21 Notification under.	
O. No. 167-Confl. 14-4-47.	Section 1 (4) Order under.	12-16.
O. No. 2884 14-4-47.	-- Do --	17.
	Section 2(1)(a) Order under.	19.
	Section 2(1)(a) Order under.	21.
	-- Do --	23.
	Section 2(4) Order under.	25.
	Section 2(1)(b) and 2(2) Order under.	27.
	-- Do --	29-30.
	Section 2(1)(c), Order under.	31.
	-- Do --	33-34.
	Section 2(1)(d), Order under	35.
	Section 2(1)(e) Order under.	37-38.
	Section 2(1)(f) Order under.	39.
	Section 2(1)(d) Order under.	41.
	Section 2 Notice under.	43.
	Section 21 Order under.	45.
	Section 2 2(1)(c) Notification under.	47.

EVT. 12/6.

C O N T E N T S.

Legal Department File No. Security Measures II/47.

Cr. No.	H. I/ C. No.	Subject.	Pages
		Section 2 (1) (f) Notification under.	49.
		Section 2 (1) (a) Form of Order under.	51.
		Section 3 (5)(b) Form of Order under.	53.
		Section 5 Order under.	55.
		--, Do -- .	57.
		Section 7(1) Order under.	59.
		Section 7(2) Order under.	61.
		Section 8(1) Order under.	63.
		Section 16A Notification under.	65.
		-- Do --	67.
		Section 6(1) Notification under.	69.
		Section 10,11 Notification under.	71.
		Section. 12 Notification under.	73.
		Section 6 (2) Notification under.	75.
		Section 6(4) Order under.	77.
		Section 25 Notification under.	79.
		Section 6(5) Notification under.	81.
		Section 26 Notification under.	83-85.
HD Notifn. No. 1673/5 15-4-47.		Section 12 Notification under.	87-89. (Not copied)
HD Notifn. No. 1673/5 2-5-47.		-- Do --	91. (Not copied)
	O.No. 4473 2-5-47	Section 2(1)(e) Order under.	93-97.

C O N T E N T S.

Legal Department File No. Security Measures I[1]/47.

Sr. No.	H. I /O. No.	Subject	Pages.
	O. No. 188 6-5-47		
6.	HD Notifn. No. 1678/5 15-5-47	Section 12, Notification under.	99. (Not copied)
	" " "	-- Do --	101. (Not copied)
7.	O.No. 816-Confl. 15-5-47	Same as Sr. No. 5.	103.
8.	HD Notifn. No. 1678/5 8-5-47.	Section 12 Notification under.	105. (Not copied)
	" " "	-- Do --	107.
	1678/5 21-5-47.		(Not copied)
	1678/5 27-5-47	-- Do --	109 (Not copied)
	1678/5 31-5-47	-- Do --	111. (Not copied)
9.	O.No. 816-Confl. 15-5-47.	Section 8(1), 9(26) Amendment of Draft orders under.	113.
10.	HD Notifn.No. 1678/5 11-6-47.	Section 12, Notification under.	115.
	HD Notifn. No. 1678/5 14-6-47	-- Do --	117. (Not copied)
	1678/5 16-6-47	-- Do --	119.
	1678/5 19-6-47	-- Do --	121.
11.	O.No. 886 Confl. 1-7-47.	Section 12 Circular under.	123-126.
	GCHD No. S.D./671 Aug 47		
12.	HD Notifn. No. 1678/5 2-7-47	Section 12 Notifn. under.	127.
	1678/5 12-7-47.	-- Do --	129-131.
	1678/5-II 21-7-47	-- Do --	133. (Not copied)
	1678/5 19-7-47	-- Do --	135.
	1678/5-II 5-8-47.	-- Do --	137 -139.
	1678/5 22-8-47.	-- Do --	141.

C O N T E N T S.

Legal Department File No. Security Measures II/47.

Cr. No.	H. I. / O. No.	Subject.	Pages.
12.	HD Notifn. No. 1678/5 20-8-47.	Section 12, Notification under.	143.
	" " " 1678/5 17-10-47.	-- Do --	145.
	" " " 1678/5 19-9-47.	-- Do --	147.
	" " 1678/5 1-11-47.	-- Do --	149.
13.	HD Notifn, No. 2863/5 15-11-47	Section 1(4) Notifn.under.	151.
14.	O.No. 17616 4-12-47	Section 8(4) Notifn. under.	153-155.
15.	HD Notifn. No. 1678/5 15-12-47	Section 12 Notifn. under.	157.
	" " " 1678/5 26-7-47	- - Do --	159.

EVY. 18/5.

Office of the R.L.A.

A revised draft notification is sent herewith.

2. It is presumed that the omission to alter the period of one year referred to in rule 11 of the rules published in G.N.H.D. No. 9505/2, dated the 9th June 1931 is intentional.

Sd/- D.V.Vyas,
Remembrancer of Legal Affairs.

U. R. to H.D., No. 9-Confl., dated the 6th January 1947.

KVI. 12/6.

NOTIFICATION.

Home Department,
Bombay Castle, 194.

Bombay Security Measures Ordinance 1946.

No. 1136/5 :- In exercise of the powers conferred by clause (a) of sub-section (6) of section 4 of the Bombay Security Measures Ordinance, 1946 (Bombay Ordinance No. II of 1946), the Government of Bombay is pleased to direct that, subject to the modifications specified in the Schedule hereto, the rules made by the Government of Bombay under sub-section (2) of section 386 of the Code of Criminal Procedure, 1898 (IV Of 1898), and published in Government Notification in the Home Department, No. / 9505/2, dated the 9th June 1932, shall be deemed to be made under the said sub-section (6), regulating the manner in which warrants under clause (a) of sub-section (1) of section 386 of the said Code are to be executed and for the summary determination of any claims made by any person other than the person liable to pay the fine in respect of any property attached in execution of the said warrant.

Slip A, P 109
HD File No.
9505/2-I

SCHEDULE.

1. In rule 1 of the said rules, for the words "and shall the words "and shall, so far as may be", shall be substitute

2. For rule 2 of the said rules, the following shall be substituted, namely:-

"2. The authority issuing the warrant shall specify such time for the sale of the attached property and for the return of the warrant as it may think fit."

3. In rules 5 and 6 of the said rules, for the words " "one month" wherever they occur the words "seven days" shall be substituted.

By order of the Governor of Bombay,

Secretary to the Government of Bombay,
Home Department.

EVY. 18/5.

Office of the R.L.A.

Under sub-clause (b) of clause (i) of sub-section (3) of section 5 of the Bombay Public Security Measures Act, 1947 (Bom. IV of 1947), where any employment has been notified under sub-section (1) of the said section 5, every person engaged in such employment who, without justifiable excuse absents himself from work shall, on conviction, be punishable with imprisonment for a term which may extend to one year or with fine or with both. If therefore employment under the B.E.S. & T. Co. is notified under sub-section (1) of section 5, every person engaged in such employment is bound, not to remain absent from work, after the notification of the employment. It is sufficient to enable the penalties to be incurred that the absenting is taking place when the notification applies and continues when the notification is brought into force.

Sd/- D.V.Vyas,
Remembrancer of Legal Affairs.

U. R. to H. D. (Spl.), No. 145-Cofl. dated the 8th April 1947.

EVI. 12/5.

Office of the R.L.A.

In place of the draft notifications proposed by the Home Department (Special) at pages 7-8 ante, revised drafts of notifications under sections 5 and 21 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), are sent herewith. There is no objection to direct in one and the same notification under section 5 that employment in the Bombay Electric Supply and Tramways Company is an essential employment for the purposes of the Act and that persons engaged in the said employment shall not depart from the limits of Greater Bombay. However it is not necessary to state in the notification that persons engaged in the B.E.S. & T. Co. shall not depart from the limits of Greater Bombay so long as the notification is in force. This condition is implied in the notification and as soon as the order under section 5 relating to the said Company is cancelled, the ban on departure from Greater Bombay, will also lapse.

2. Before they are issued, the Home Department should see that the provisions of both these sections 5 and 21 and of section 22 of the said Act have been brought into force under section 1(4) of the said Act, in Greater Bombay. The attention of the Home Department is also invited to the provisions of sub-section (2) of section 5 of the said Act for the publication of the proposed order.

Sd/- D.V. Vyas,
Remembrancer of Legal Affairs.

U.R. to H.D. (Poll) No. 142-Cofl. dated 7-4-1947.

KVY. 12/5.

Home Department (Political)-War,

Bombay Castle, 1947.

ORDER.

Bombay Public Security Measures Act, 1947.

No. :- In exercise of the powers conferred by section 5 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947) the Government of Bombay, being of the opinion, that employment in connection with the maintenance, working and management of the concern specified in the Schedule annexed hereto (hereinafter referred to as the said employment) is essential for the purposes of maintaining supplies and services essential to the life of the community, is pleased -

(i) to notify the said employment to be an employment essential for purposes of maintaining supplies and services essential to the life of the community; and

(ii) to direct that all persons engaged in the said employment shall not depart out of the limits of Greater Bombay.

SCHEDULE.

The Bombay Electric Supply and Tramways Company. Limited, Bombay.

By order of the Governor of Bombay,

Secretary to Government.

EVY. 12/5.

Home Department (Political)-War,

Bombay Castle, April 1947.

ORDER.

Bombay Public Security Measures Act, 1947.

No. :- In exercise of the powers conferred by section 21 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), the Government of Bombay is pleased to direct that the powers conferred on it under sub-clause (e) of clause (i) of sub-section (3) of section 5 of the said Act, shall be exercised by the Deputy Commissioner of Police, Special Branch, Bombay, in respect of the employment notified under Government Notification in the Home Department (Political)-War, No. dated the 1947.

By order of the Governor of Bombay,

Secretary to Government.

Office of the R.L.A.

Revised draft orders in place of the Home Department draft orders at pages 9-45 ante are sent herewith.

2. Additional draft orders under section 8(1) (b), (c) (d), (e) and (f), drafts of orders to be issued by the Provincial Government itself, also under section 1(4) directing that the Provisions of the Act shall cease to b in force in any area, also drafts of reports to be made b the Commissioner of Police, District Magistrate or Additional District Magistrate under section 2(5)(a) and of orders to be made by the same officers under section 2(5)(b), also drafts of orders under section 6(2), (3),(5 (6) and the proviso to sub-section (7) (a) and also of th draft of notification, including provisional notificatio for making rules for the purposes of the Act under sectio 25 are sent herewith.

3. The Home Department has forwarded two drafts of the order under section ~~1(4)~~ 1(4) bringing the provisions of the Act into force in the Province or any area in the Provinc The second draft at page 41 is fuller and I approve of it for being used hereafter (see the revised draft thereof).

4. No drafts are necessary of any order to be made under section 4, because under the said section Governme can either annul or confirm the order or modify the orde represented against under section 3 or make any other order which it could have made under sub-section (1) of section 2, of which drafts have already been supplied.

5. Regarding the draft order under section 8(1) prohibiting the wearing or display in public of a/dress or article of apparel etc. The words "who is not a member of the said forces", namely His Majesty's forces or police forces are inept and have been deleted. There is no question of a member of the forces wearing any such dress because the prohibition is against wearing or display in public of any dress or article of apparel resembling any uniform or part of a uniform required to be worn by a member of the said forces.

6. With regard to rules under section 25, the Home Department might consider what provision it should make in these rules.

7. With regard to the draft order at page 29 under section 21 delegating powers of Provincial Government to officers not below the rank of Commissioner of Police, District Magistrate or Additional District Magistrate, it is no doubt competent to the Provincial Government to delegate powers of the Provincial Government throughout the Province on any such officer. However, since the jurisdiction of the officers themselves is limited to the area for which they are appointed, it would be highly improper to delegate powers of the Provincial Government throughout the Province on these officers.

With regard to 'B' of H.D. office note on p. 4, it is very doubtful whether the I.G.P. can be said to be an officer not below the rank of District Magistrate or Additional District Magistrate. It is not, therefore, safe to delegate powers of Provincial Government to the I.G.P. If H.D. wanted the powers of Government so under this Act to be delegated to the I.G.P., the point should have been taken up in the Select Committee or at the second reading. As the Act stands at present, I would not advise delegation of powers of the Provinci Government to the I.G.P.

Sd/- D.V.Vyas,

Remembrancer of Legal Affairs.

U.R. to H.D. Spl. No. 157, confl. dated the 14th April 1947.

EVY. 18/5.

Form of Notification for bringing the provisions of the Act into force.

No. 1673/5,
Home Department,
Bombay Castle, April 1947.

NOTIFICATION.

Bombay Public Security Measures Act, 1947.

In exercise of the powers conferred by sub-section (4) of section 1 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), the Government of Bombay is pleased to direct that the sections of the said Act mentioned in column 1 of the Schedule hereto annexed shall come into force in the areas mentioned against them in column 2 of the said Schedule, with effect from .....

* Here enter the date from which the provisions are to be brought into force.

.....*.....

SCHEDULE.

Sections	Areas.
1	2

By order of the Governor of Bombay,

Secretary to the Government of Bombay,
Home Department.

EVY. 18/5.

Home Department,
Bombay castle, 1947.

NOTIFICATION.

Bombay Public Security Measures Act 1947.

No. :- In exercise of the powers conferred by sub-section (4) of section 1 of the Bomb Public Security Measures Act, 1947 (Bom. VI of 1947) the Government of Bombay is pleased to direct that th provisions of sections ..... of th said Act shall cease to be in force in ..... with effect from.....

By order of the Governor of Bombay,

Secretary to Government.

EVY. 18/5.

(Detention Order to be issued by Government).

ORDER.

Public Security Measure Act 1947.

No. G/D. Whereas the Government of Bombay is satisfied that the person known as _____ is acting in a manner prejudicial to the public safety/ the maintenance of public order/the* tranquillity of the (here name the place);

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 2 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), the Government of Bombay is pleased to direct that the said _____ be detained.

* Score out whichever is in applicable.

By order of the Governor of Bombay,

Assistant Secretary to the Government of Bombay, Home Department (Political).

Dated at Bombay Castle, this day of 194

EVY. 18/5.

O R D E R.

Home Department,
Bombay Castle, 1947.

Bombay Public Security Measures Act, 1947.

Whereas by Government Order, Home Department No. dated the made, in exercise of the powers conferred by clause (a) of sub-section (1) of section 2 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947) the Government of Bombay has directed that the person known as _____ be detained;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 2 of the said Act, the Government of Bombay is pleased to direct that the said _____

(a) shall be detained in the _____ Prison
* Police lock-up at ..... and

(b) shall, for purposes of the Bombay Conditions of Detention Order, 1947, be treated as class - prisoner
* convicted trial prisoner.

* Score out whichever is inapplicable.

By order of the Governor of Bombay,

Assistant Secretary to the Government of Bombay,
Home Department.

Dated at on the day of 1947.

BVY. 18/5.

Order of detention to be issued by the Commissioner of Police, Bombay or the District Magistrate or the Additional District Magistrate (Section 2 (1) (a)).

ORDER.

Whereas the Government of Bombay has directed by its Order in the Home Department No. dated the 1947, that the powers conferred on it by clause (a) of sub-section (1) of section 2 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), shall also be exercised by the Commissioner of Police, Bombay;
District Magistrates;
Additional District Magistrates;

And whereas I,

the Commissioner of Police, Bombay,
District Magistrate, of
Additional District Magistrate of am

satisfied that the person known as _____
is acting in a manner prejudicial to the public safety/the maintenance of public order/the tranquillity of the (here name the place);

Score out whichever is inapplicable.

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 2 of the said Act, I hereby direct that the said ..... be detained.

Commissioner of Police, Bombay,
District Magistrate, ...,
Additional District Magistrate, ...

Dated at on the day of 1947.

EVY. 18/5.

Order under Section 2(4).

(Place of detention).

O R D E R.

Whereas by my Order No. , dated the 1947 made in exercise of the powers conferred by clause (a) of sub-section (1) of section 2 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), I .... Commissioner of Police, Bombay / District Magistrate of ..... / Additional District Magistrate of ------ have directed that the person known as ....be detained;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 2 of the said Act, I hereby direct that the said --

(a) shall be detained in the .... Prison / Police lock-up at ... and

(b) shall, for purposes of the Bombay Conditions of Detention order, 1947, be treated as Class Prisoner. and under trial prisoner.

Commissioner of Police, Bombay.
District Magistrate,
Additional District Magistrate,

Dated at on the day of 1947.

KVY. 18/6.

O R D E R.

Home Department,
Bombay Castle, 1947.

Bombay Public Security Measures Act, 1947.

No. :- Whereas the Government of Bombay is satisfied that the persons known as ..... is acting in a manner prejudicial to the public safety/ the maintenance of public order/the tranquillit of the /Here name the place/.

Score out whichever is not applicable.

Now, therefore, in exercise of the powers conferred by clause (h) of sub-section (1) of section of the Bomby public Security Measures Act, 1947 (Bom. VI of 1947), the Government of Bombay is pleased to direct that (Here specify exceptions, if any) the said ..... shall not be in (her mention the area or place) except that he may be in such area/place .....*..... or except that @. ..... or ... $ ..... may permit him to be in such area/place.

*Here specify the circumstances.

@Here specify the intended authority

$Here specify the intended person.

The Government of Bombay is further pleased to direct, in exercise of the powers conferred by sub-section (2) of section 2 of the said Act, that the said ..... shall enter into a bond wi without sureties for the due observance of the restrictions conditions specified in this order.

By order of the Governor of Bombay,

Secretary to Government.

EVY. 18/6.

Order under section 2(1)(b) and 2(2).

O R D E R.

Whereas the Government of Bombay has directed by its order in the Home Department, No. , dated the 1947, that the powers conferred on it by sub-section (1) of section 2 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), shall also be exercised by the Commissioner of Police, Bombay, District Magistrate, Additional District Magistrate,

And whereas I

the Commissioner of Police, Bombay, District Magistrate of Additional District Magistrate of, am

satisfied that the person known as ..... is acting in a manner prejudicial to the public safety/the maintenance of public order/the tranquillity of (here name the place);

Score out whichever is inapplicable.

Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of section 2 of the said Act, I hereby direct that, (here specify exceptions if any) the said shall not be in (here mentio the area or place) except that he may be in such area/place * or except that @ or may permit him to be in such area/place.

I hereby further direct, in exercise of the powers conferred by sub-section (2) of section 2 of the said Act, that the said shall enter into a bond with/without sureties for the due observance of the restrictions/conditions specified in this order.

Commissioner of Police, Bombay, District Magistrate, or Additional District Magistrate of,

Dated at on the day of 1947.

* Here specify the circumstances.
@ Here specify the intended authority.
£ Here specify the intended person.

KVY. 12/5,

Home Department.
mbay castle, 1947.

O R D E R.

Bombay Public Security Measures Act, 1947.

No. :- Whereas the Government of Bombay is satisfied that the person known as ..... is acting in a manner prejudicial to the public safety/ * the maintenance of the public order/* the tranquillity of the (here name the place);

* Score out whichever is not applicable.

Now, therefore, in exercise of the powers conferred by clause (c) of subsection (1) of section 2 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947 the Government of Bombay is pleased to require the said ..... to reside in / remain in / proceed to @ .....

@ Here mention the place.

/within .. $ .....

$ Here mention the area.

(here mention the place or area) within ..... hours from the service of the order and reside in / remain in the said place or area.

The Government of Bombay is further pleased to direct in exercise of the powers conferred by sub-section (2) of section 2 of the said Act, that the said .... shall enter into a bond with / without sureties for the due observance of the restrictions / conditions specified in this order.

By order of the Governor of Bombay,

Secretary to Government,

EVY. 18/5.

Order under section 2(1)(a).

O R D E R.

Whereas the Government of Bombay has directed by i
Order in the Home Department No. , dated the
1947, that the powers conferred on it by sub-secti
(1) of section 2 of the Bombay Public Security Measures
Act, 1947 (Bom. VI of 1947), shall also be exercised by
the Commissioner of Police, Bombay/
District Magistrate/
Additional District Magistrate,

And whereas I
the Commissioner of Police, Bombay,
District Magistrate of
Additional District Magistrate of
satisfied that the person known as
is acting in a manner prejudicial to the public safety/
the maintenance of public order/the tranquillity of the
(here name the place);

Now, therefore, in exercise of the powers conferre
by clause (c) of sub-section (1) of section (2) of the
said Act, I hereby require the said to reside in @
remain
proceeded to (her

with in £ hours from the
name the place or area)
service of this order and reside in the said place or
remain
area.

I hereby further direct, in exercise of the power
conferred by sub-section (2) of section 2 of the said A
that the said shall enter into a b
with sureties for the due observance of the restrict
without condition
ions specified in this order.

Commissioner of Plice, Bombay,
District Magistrate of
Additional District Magistrate of

@ Here mention the place. £ Here Mention the period.

Score out whichever is inapplicable.

Order under Section 2(1)(d).

O R D E R.

Whereas the Government of Bombay has directed by it order in the Home Department No. dated the 1947, that the powers conferred on it by sub-sectio (1) of section 2 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), shall also be exercised by

the Commissioner of Police, Bombay,
District Magistrate
Additional District Magistrates

And whereas I the

Commissioner of Police, Bombay,
District Magistrate of
Additional District Magistrate of , am satisfied

that the person known as is acting

in a manner prejudicial to the public safety/the maintenance of public order/the tranquillity of the (here name the place);

Score out whichever is inapplicable.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 2 of the said Act, I hereby require the said to notify his movements and report himself once a day / Week / month to the officer in charge of

Police Station at A.M. / P.M.

I hereby further direct, in exercise of the powers conferred by subsection (2) of section 2 of the said Act that the said shall enter into a bond with / without sureties for the due observance of the restrictions / conditions specified in this order.

Commissioner of Police, Bombay.
District Magistrate of
Additional District Magistrate of

Dated at on the day of 1947.

EVY. 18/5.

Order under Section 2(1)(e).

O R D E R.

Whereas the Government of Bombay has directed by its order in the Home Department No. dated the 1947, that the powers conferred on it by sub-section (1) of section 2 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), shall also be exercised by the Commissioner of Police, Bombay, / District Magistrate / Additional District Magistrate

And whereas I , the Commissioner of Police, Bombay, / District Magistrate of / Additional District Magistrate of , am satisfied that the person known as is acting in a manner prejudicial to the public safety/the maintenance of public order/the tranquillity of the (here name the place);

1, Score out whichever is inapplicable

Now, therefore, in exercise of the powers conferred by clause (e) of sub-section (1) of section 2 of the said Act, I hereby direct that the said shall (here mention any particular restriction in respect of his employment or business or association or communication with other persons, and in respect of his activities in relation to the dissemination of news or propagation of opinion referred to in clause (e) which may be deemed necessary to impose)

I hereby further direct, in exercise of the powers conferred by sub-section (2) of section 2 of the said Act, that the said shall enter into a bond with / without sureties for the due observance of the restrictions specified in this order.

Commissioner of Police, Bombay, / District Magistrate of / Additional District Magistrate of

Dated at on the day of 1947.

BVV. 18/5.

Order under section 2 (1)(f).

O R D E R.

Whereas the Government of Bombay has directed by its order in the Home Department, No. , dated the ..... 1947, that the powers conferred on it by sub-section (1) of section 2 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), shall also be exercised by the Commissioner of Police, Bombay / District Magistrates / Additional District Magistrates.

And whereas I the Commissioner of Police, / District Magistrate of / Additional District Magistrate of Bombay, am satisfied that the person known as ..... is acting in a manner prejudicial to the public safety/the maintenance of public order/the tranquillity of the [here name the place]

* Score out whichever is inapplicable.

Now, therefore, in exercise of the powers conferred by clause (f) of sub-section (1) of section 2 of the said Act, I hereby prohibit / restrict the said ..... from possessing / in the possession or using or use of

_____ [here specify the name of the article] in the following manner.....* .....

Here specify the manner of restriction.

I hereby further direct, in exercise of the powers conferred by sub-section (2) of section 2 of the said Act, that the said ..... shall enter into a bond with / without sureties for the due observance of the restriction / condition specified in this order.

Commissioner of Police, Bombay, / District Magistrate of / Additional District Magistrate of ...

Dated at on the day of 1947.

EVY. 12/5.

Home Department,
Bombay Castle, 1947.

O R D E R.

Bombay Public Security Measures Act, 1947.

No. :- Whereas the Government of Bombay is satisfied that the person known as .... is acting in a manner prejudicial to the public safety/the maintenance of public order/ the tranquillity of the (here name the place);

Score out whichever is not applicable.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 2 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), the Government of Bombay is pleased to require the said .... to notify his movements and report himself once a day/week/Month to the officer in charge of ..... police Station/to ..... at .... A.M./P.M.

The Government of Bombay is further pleased to direct in exercise of the powers conferred by sub-section (2) of the said section 2 that the said .... shall enter into a bond with/without sureties for the due observance of the restrictions/conditions specified in this order.

By order of the Governor of Bombay,

Secretary to Government.

EVI. 18/5.

Notice under section 3 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947).

Whereas the Government of Bombay has directed by its order in the Home Department No. ..... dated the ..... 1947, that the powers conferred on it by sub-section (1) of section 2 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), shall also be exercised by the Commissioner of Police, Bombay / District Magistrate of / Additional District Magistrate of

In pursuance of section 3 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), you are informed that the grounds on which an order of detention has been made against your under clause (a) of sub-section (1) of section 3 of the said Act are - (here mention the grounds without disclosing facts which the officer considers against the public interest to disclose).

Here also state such other particulars as are in the opinion of the officer sufficient to enable the person to make representation against the order.

2. You are also informed that you have a right to make a representation against the order under which you are detained. If you wish to make such a representation, you should address it to the undersigned and forward it through the Superintendent of the Jail / Officer in charge of the Police station as soon as possible.

Commissioner of Police, Bombay,
District Magistrate of .....
Additional District Magistrate ....

Dated at ..... on the day of 1947.

BV¹. 18/5.

Order under section 21.

Home Department (Political)
Bombay Castle, 1947.

O R D E R.

Bombay Public Security Measures Act, 1947.

No. :- In exercise of the powers conferred by section 21 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), the Government of Bombay is pleased to direct that the powers conferred and duties imposed on it by sub-section (1), (2), and (4) of section 2 and by sections 3 and 4 of the said Act shall also be exercised and discharged within their respective jurisdictions by the Commissioner of Police, Bombay, in Greater Bombay and District Magistrates and the Additional District Magistrates elsewhere.

By order of the Governor of Bombay,

Secretary to the Government of Bombay,
Home Department.

VY. 18/8.

Home Department.

Bombay Castle, 1947.

ORDER.

Bombay Public Security Measures Act, 1947.

No. :- Whereas the Government of Bombay is satisfied that the person known as ..... is acting in a manner prejudicial to the public safety/ the maintenance of public order/the tranquillity of the (here name the place);

* Score out Whichever is not applicable.

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 2 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), the Government of Bombay is pleased to direct that the said ..... shall (here mention restrictions in respect of his employment or business or association or communication with other persons, and in respect of his activities in relation to the dissemination of news or propogation of opinion, to be imposed);

The Government of Bombay is further pleased to direct, in exercise of the powers conferred by sub-section (2) of section 2 of the said Act, that the said ..... shall enter into a bond with/without sureties for the due observance of the restrictions specified in this order.

By order of the Governor of Bombay,

Secretary to Government.

EVY. 18/5.

Home Department.

Bombay Castle, 1947.

ORDER.

Bombay Public Security Measures Act, 1947.

No. :- Whereas the Government of Bombay is satisfied that the person known as ..... is acting in a manner prejudicial to the public safety/ the maintenance of public order/the tranquillity of the (here mention the place);

* Score out whichever is not applicable.

Now, therefore, in exercise of the powers conferred by clause (f) of sub-section (1) of section 2 of the Bombay Public Security Measures Act, 1947 (Bom VI of 1947), the Government of Bombay is pleased to prohibit restrict the said ..... from possessing or using in the possession or use of (here specify the name of the article); in the following manner ..... ②

Here specify the manner of restriction.

The Government of Bombay is further pleased to direct in exercise of the powers conferred by sub-section (2) of section 2 of the said Act, that the said .... shall enter into a bond with without sureties for the due observance of the restrictions conditions specified in this order.

By order of the Governor of Bombay,

Secretary to Government.

To

The Presidency Magistrate, ...

Magistrate, First Class, ...

Sir,

I, ... Commissioner of Police, Bombay,
District Magistrate,
Additional District Magistrate

have reason to believe that ..... in respect of whom an order has been made under clause (a) of sub-section (1) of section 2 of the Bombay Public Security Measures Act, 1947, (Bom. VI of 1947), by the ..... , has absconded/is concealing himself/is delaying or frustrating the execution of the said order, and therefore make this report as required by clause (a) or sub-section (5) of section 2 of the said Act.

*Score out whichever is inapplicable.

Your obedient servant,

Commissioner of Police, Bombay,
District Magistrate
Additional District Magistrate,

EVY. 18/5.

Whereas I,

Commissioner of Police, Bombay,
District Magistrate,.....
Additional District Magistrate, have

reason to believe that ..... in respect of whom an order has been made under clause (a) of sub-section (1) of section 2 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), by the -v.....

Score out whichever is inapplicable.

has absconded/is concealing himself/is delaying or frustrating the execution of the said order;

Now, therefore, in exercise of the power conferred by clause (b) of sub-section (5) of section 2 of the said Act, I hereby direct that the said ..... shall appear

Here mention place

before me at ....., within.....

Here mention period.

Commissioner of Police, Bombay,
District Magistrate, ...
Additional District Magistrate,

EVY. 18/5.

Home Department,

Bombay Castle, 1947.

ORDER.

Bombay Public Security Measures Act, 1947.

No. :- In exercise of the powers conferred by section 5 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), the Government of Bombay, being of the opinion that employment in connection with the maintenance, working and management of the concern specified in the Schedule annexed hereto (hereinafter referred to as the said employment) is essential for the purposes of maintaining supplies and services essential to the life of the community, is pleased --

(i) to notify the said employment to be an employment essential for purposes of maintaining supplies and services essential to the life of the community; and

(ii) to direct that all persons engaged in the said employment shall not depart out of the limits of ..... .

SCHEDULE.

(Here specify names of concerns)

By order of the Governor of Bombay,

Secretary to Government.

EVY. 19/5.

Home Department,

Bombay Castle, 1947.

NOTIFICATION.

Bombay Public Security Measures Act, 1947.

No. :- The following draft of a notification which it is proposed to issue under section 25 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), is hereby published for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after the .....
.....

2. Any objections or suggestions which may be received by the Secretary to the Government or Bombay in the Home Department from any person with respect to the said draft on or before the aforesaid date will be considered by Government.

Draft Notification.

No. In exercise of the powers conferred by section 25 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), the Government of Bombay is pleased to make the following rules to carry out the purposes of the said Act:-

(Here specify the rules to be made)

By order of the Governor of Bombay,

Secretary to Government.

EVY. 19/5.

Order under section 7(1).

Home Department (Political)
Bombay Castle, 1947.

O R D E R.

Bombay Public Security Measures Act, 1947.

No. :- In exercise of the powrs conferr by sub-section (1) of section 7 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), the Government of Bombay is pleased to prohibit the performance in the Province of Bombay of any exercise, movement evolution or drill of a military nature with or without arms or articles capable of being used as arms other than an exercise, movement, evolution or drill -

(1) by members of H.M.'s Naval, Military or Air Forces or of an official police force or of any force constituted under any law for the time being in force i the exercise of their duty as such; or

(2) within the precincts or premises of the schoo and colleges specified below by persons whose participation in such exercise, movement, evolution or drill is part of the ordinary curriculum of such school or college, namely :-

(i) All schools in receipt of a grant from the Government of Bombay or from any local authority in the Province of Bombay.

(ii) All schools recognized by the University of Bombay.

(iii) All colleges affiliated to the University of Bombay; or

(3) by members in their capacity as such of the following organizations -

(i) The Boy Scouts and Girl Guides Association.

(ii) Hindustan Scouts and Girl Guides.

(iii) The St. John's Ambulance Brigade.

(iv) The Bombay City Ambulance Corps.

(v) The Swastik League Ambulance Unit.

By order of the Governor of Bombay

Secretary to the Government of Bombay,
Home Department.

Exy. 12/8

Order under section 7(2).

Home Department (political),
Bombay Castle, 1947.

ORDER.

Bombay Public Security Measures Act, 1947.

No. In exercise of the powers conferred by sub-section (2) of section 7 of the Bombay Public Security Measures Act, 1947 (Bom. VII of 1947), the Government of Bombay is pleased to make the following order, namely:-

1. (1) This order may be called the Bombay Camps and Parades (Control) Order, 1947.

(2) It extends to the whole of the Province of Bombay.

(3) It shall come into force from the date of this Order.

2. No camp, parade, meeting, assembly or procession shall be held by any political or communal organization in any place, whether public or private, except with the previous permission in writing of the Commissioner of Police, Bombay, in Greater Bombay, or the District Magistrate or the Additional District Magistrate elsewhere.

3. The Commissioner of Police, Bombay, or the District Magistrate or the Additional District Magistrate to whom an application for permission to hold a camp, parade, meeting, assembly or procession is made by or on behalf of any organization,

(a) shall, if he has reason to believe that any exercise, movement, evolution or drill of a military nature is likely to be performed at the camp, parade, meeting, assembly or procession reject the application;

(b) May, if he sanctions the application, impose such conditions as he thinks fit on the holding of, or taking part in, the camp, parade, meeting assembly or procession with a view to securing that no exercise, movement, evolution or drill of a military nature is performed thereat.

By order of the Governor of Bombay,

Secretary to the Government of Bombay,
Home Department.

EVY. 19/5.

Home Department (Political),
Bombay Castle, 1947.

ORDER.

Bombay Public Security Measures Act, 1947.

No. :- Whereas the Government of Bombay is satisfied that the wearing in public of any ~~xxx~~ dress or article of apparel resembling any uniform or part of a uniform required to be worn by a member of His Majesty's forces or by a member of any police force or of any force constituted under any law for the time being in force is likely to prejudice the public safety or the maintenance of public order;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 8 of the Bombay Public Security Measures Act, 1947 (Bom.VI of 1947), the Government of Bombay is pleased to prohibit the wearing or display in public of any such dress or article of apparel by any person other than a member of an association authorised by the Government of Bombay to wear a specified uniform.

By order of the Governor of Bombay,

Secretary to Government.

HVY. 19/5.

Notification under section 16-A of the Indian Criminal Law Amendment Act, 1908.

Home Department (Political),
Bombay Castle, 1947.

NOTIFICATION

Indian Criminal Law Amendment Act, 1908.

No. :- Whereas the Government of Bombay, is of opinion that the association heretofore or at present known by the name of . . . . . is organized or equipped for the purpose of enabling *in such manner as to arouse its members to be employed reasonable apprehension that its members may be employed in usurping the functions of *His Majesty's forces *the police force *the force constituted under the Here mention the Act in furtherance of the common object of the said association;

*Score out whichever is in applicable.

Now, therefore, in exercise of the powers conferred by section 16A of the Indian Criminal Law Amendment Act, ~~in its application~~ to the Province of Bombay, 1908 (XIV of 1908), in its application to the Province of Bombay, the Government of Bombay is pleased to declare the said association to be unlawful.

By order of the Governor of Bombay,

Secretary to the Government of Bombay,
Home Department.

EVJ. 19/5.

Notification under section 16-A of the Indian Criminal Law Amendment Act, 1908.

(Alternate form of Notification).

Notification.

Home Department (Political),

Bombay Castle, 1947.

Re Indian Criminal Law Amendment Act, 1908.

No. Whereas the Government Bombay is of opinion that the association heretofore or at present know by the name of is organized or equipped for the purpose of the enabling its members to be employed in such manner as to arouse reasonable apprehension that its members may be employed for the use or display of physical force in furtherance of the common object of the said association;

Now, therefore, in exercise of the powers conferred by section 16A of the Indian Criminal Law Amendment Act, 1908 (XIV of 1908), in its application to the Province of Bombay, the Government of Bombay is pleased to declare the said association to be unlawful.

By order of the Governor of Bombay,

Secretary to the Government of Bombay,
Home Department.

Dated at Bombay Castle, this April 1947.

KVI. 18/5.

Form of Notification for imposing a collective fine.

Home Department,

Bombay Castle, 1947.

NOTIFICATION.

Bombay Public Security Measures Act, 1947.

No. :- Whereas the Government of Bombay is satisfied that the inhabitants of ..... $ .... are concerned in the commission/or abetment of offences affecting the public safety/or the maintenance of public order or the maintenance of supplies or services essential to the life of the community/or are harbouring persons concerned in the commission of such offences/or are failing to render all the assistance in their powers to discover or apprehend the offender or offenders/or are suppressing material evidence of the commission of such offences;

$ here enter the name of the village/area taluka, etc.

* score out whichever is inapplicable.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the Bombay Public security Measures Act, 1947 (Bom. VI of 1947), the Government of Bombay is pleased to impose a collective fine of Rs. .... @ ..... on the inhabitants of the said area.

@ here enter the amount of collective fine.

The Government of Bombay is further pleased, in exercise of the powers conferred by sub-section (4) of the said section 6 to exempt the following persons/class/section of the said inhabitants from liability to pay any portion of the said fine.

By order of the Governor of Bombay,

Secretary to the Government of Bombay,
Home Department.

Form of Notification for constituting special courts and appointing special Judges.

Home Department,

Bombay Castle, 1947.

NOTIFICATION.

Bombay Public Security Measures Act, 1947.

No. :- In exercise of the powers conferred by sections 10 and 11 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), the Government of Bombay is pleased to constitute a Special Court of criminal jurisdiction for @ _____ and to appoint [*] _____ £ _____ as a Special Judge to preside over the said Special Court.

Here enter the name of the are for which the court is to be constituted.

* Here enter the name of the Judge to be appointed.

£ In Greater Bombay such person must be a High Court Judge and in any other area a Sessions Judge of not less than 2 years standing.

By order of the Governor of Bombay,

Secretary to the Government of Bombay,
Home Department.

EVI. 19/5.

Form of Notification for assigning cases to the special Judge.

Home Department,
Bombay Castle, 1947.

NOTIFICATION.

Bombay Public Security Measures Act, 1947.

No. :- In exercise of the powers conferred by section 12 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), the Government of Bombay is pleased to direct that the Special Judge appointed by Government Notification, Home Department, No. _____ shall try the cases mentioned in the Schedule hereto annexed.

SCHEDULE.

Serial No.	High Court Criminal Sessions case No.	Name of the accused.	Offence charged.

(or)

Serial No.	Name of Police Station	Criminal Register No.	Name of the accused.	Section under with the accused is charged.

(or)

Serial No.	Name of the Police Station.	Criminal Register No.	Court case No.	Name of the Court.	Names of the accused.	Section under which the accused is charged.

By order of the Governor of Bombay,

Secretary to the Government of Bombay,
Home Department.

EVY. 19/5.

Home Department,

Bombay Castle, 1947.

ORDER.

Bombay Public Security Measures Act, 1947.

No. :- In exercise of the powers conferred by sub-section (2) of section 6 of the Bombay Public Security Measures Act, 1947, (Bom. VI of 1947), the Government of Bombay is pleased to empower the ..... * to exercise the power conferred by sub-section (1) of the said section 6 on the Provincial Government.

* Here state the designation of the officer to be empowered.

By order of the Governor of Bombay,

Secretary to Government.

EVY. 19/5.

O R D E R.

Whereas I, ... am satisfied that the inhabitants of ..... are concerned in the commission@/or abetment@ of offences affecting the public safety@/or the maintenance of public order@/or the maintenance of supplies or services essential to the life of the community@/or are harbouring persons concerned@ in the commission of such offences@/or are failing to render all the assistance in their power to discover or apprehend the offender or offenders/or are suppressing material evidence of the commission of such offences;

@ Score out whichever is not applicable.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), read with Government of Notification, Home Department, No. ..... dated the ..... I hereby impose a collective fine of Rs. ..... on the inhabitants of the said area.

In exercise of the powers conferred by sub-section (4) of the said section 6, I hereby exempt the following persons/class/section of the said inhabitants, from liability to pay any portion of the said fine:-

/Here mention the persons, class or section of the inhabitants proposed to be exempted/

(Signature of officer empowered).

EVY. 19/8.

Home Department

Bombay Castle, 1947.

NOTIFICATION.

Bombay Public Security Measures Act, 1947.

No. :- The following draft of a notification which it is proposed to issue under section 25 read with sub-section (3) of section 6 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), is hereby published for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after the .....

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Home Department from any person with respect to the said draft on or before the aforesaid date will be considered by Government.

Draft Notification.

No. :- In exercise of the powers conferred by section 25, read with sub-section (3) of section 6, of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), the Government of Bombay is pleased to make the following rules prescribing the manner in which an order made by an officer empowered under sub-section (2) of section 6 of the said Act shall be published :-

(Here specify the rules to be made).

By order of the Governor of Bombay,

Secretary to Government.

EVY. 19/5.

In exercise of the powers conferred by sub-section (5) of section 6 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), read with Government Notification, Home Department, No. ..... dated the ....., I .....

..... x .....

x Designation of the Officer empowered under sec. 6(2)

x Commissioner of Police, Bombay, District Magistrate, Additional District Matistrate, , hereby apportion the fine imposed by Government order, my

No. ....., dated .....

here mention area.

payable by the inhabitants of ..... x ....., as follows, namely:-

(herementioned manner in which the fine is to be apportioned).

In exercise of the power conferred by sub-section (6) of the said section 6, I hereby fix Rs. ..... as the fine to be paid by a Hindu undivided family in the said area.

(Signature of the officer empowered)
Commissioner of Police Bombay.
District Magistrate.
Additional District Magistrate,

EVY. 10/5.

Home Department,
Bombay Castle, 1947.

NOTIFICATION.

Bombay Public Security Measures Act, 1947.

No. :- The following draft of a notification which it is proposed to issue under section 25, read with the proviso the clause (a) of sub-section (7) of section 6, of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), is hereby published for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after the ..... .

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Home Department from any persons with respect to the said draft on or before the aforesaid date will be considered by Government.

Draft Notification.

No. :- In exercise of the powers conferred by section 25, read with the proviso to clause (a) of sub-section (7) of section 6, of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), the Government of Bombay is pleased to make the following rules regulating the manner in which warrants under clause (a) of sub-section (1) of section 386 of the Code of Criminal Procedure, 1898 (V of 1898), shall be executed for recovering the fine imposed under section 6 of the said Act, and for the summary determination of claims made by persons other than the persons liable to pay the fine in respect of any property attached in execution of the warrant:-

(Here specify the rules to be made)

By order of the Governor of Bombay,

Secretary to Government.

KVI. 18/5.

Office of the R.L.A.

Under clause (a) of sub-section (1) of section 2 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 19 the Provincial Government, if it is satisfied that any perso is acting in a manner prejudicial to the public safety, the maintenance of public order or the tranquillity of the Province or any part thereof, may make an order directing that he be detained. Sub-section (4) of the said section 2 provides that so long as there is in force in respect of any person an order under clause (a) of sub-section (1), he shall be liable to be removed to, and detained in, such place and under such conditions including conditions as to maintenance, discipline and punishment for breaches of discipline, as the Provincial Government may from time to time by general or special order specify. Accordingly the proposed draft Bombay Conditions of Detention Order, 1947, is intra vires section 2(4) read with section 2(1)(a) of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), in so far as it relates to the detention and conditio including those as to maintenance, discipline and punishment for breaches of discipline.

2. Subject to the above remarks, the proposed draft order at pages 5-10 ante, as amended, is in order.

Sd/- D.V.Vyas,
Remembrancer of Legal Affairs.

U.R. to H.D., No. 3594, dated the 14th April 1947.

EVY. 19/8.

Office of the R. L. A.

A revised draft Order is sent herewith.

Sd/- P. M. LAD,
Remembrancer of Legal Affairs.

U. R. to H.D.(Poll) No. 4479, dated the 2nd May 1947.

EVI. 19/5.

Home Department (Political),
Bombay Castle, 1947.

ORDER.

Bombay Public Security Measures Act, 1947.

No. :- Whereas the Government of Bombay is satisfied that the person know as .... being the printer and publisher of the .....*... .. newspaper entitled " .... " and published at ..... is acting in a manner prejudicial to the public safety/maintenance of public order/the tranquillity of the Province of Bombay;

* Here enter periodicity.

** Score out whichever is not applicable.

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of section 2 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), the Government of Bombay is pleased to direct that the said ..... being the printer and publisher of the said newspaper, shall abstain, for a period of ..... from the date of receipt of this order, from printing or publishing in the said newspaper --

@ Retain (a) or (b) or (a) and (b) as desired.

(a) any matter relating to communal riots or incidents occurring anywhere in India including any news, article, comment, picture or cartoon and also including communiques or statements issued by the Central Government or any Provincial Government, or by any of their officers; or

(b) any matter which tends directly or indirectly to promote feelings of enmity or hated between different classes of His Majesty's subjects.

By order of the Governor of Bombay,

Secretary to Government.

E.VI. 19/5.

Office of the R.L.A.

The following words may be inserted as clause (e) in the draft order:-

"(e) any matter commenting in any form directly or indirectly upon this order."

2. The wording of the draft suggested by H.D. is very wide indeed and would prohibit even the publication of the fact that such an order has been served upon the paper concerned. I may be permitted to point out that this order will be served only upon certain news papers and that the rest of the Press would be at liberty not only to publish the text of the order served upon the newspapers in question but also to make any comments in any form they like upon the propriety of the order. The Press may naturally be expected to treat this as an unnecessary restraint upon their liberty, and it is certain that the newspapers upon whom the order is not served would not be sparing in their comments. It is a matter for consideration whether in these circumstances it is expedient that only certain newspapers should be prohibited from doing that which others can do with impunity. Besides, if their comments upon this order are of an inflammatory charater they are already xx provided for by clause (b) of the draft.

Sd/- P. N. LAD,
615
Remembrancer of Legal Affairs.

EVI. 19/8.

Office of the R.L.A.

The draft order at page 115 ante as amended is in the order subject to the following remarks.

2. The remarks made in paragraph 3 of the linked case (No.671/5899) would also apply so far as the conjunctive use of the expressions "public order" and "tranquility" in the preamble to the draft order is concerned.

3. The word "article" in the concluding part of the draft order has been omitted as the expression "any matter propagating his opinions" would include "articles"

847- [illegible]
P. M. LAD,

Remembrancer of Legal Affairs.

U.H. to H.D. (Spec.) No. 215-Confl., dated the 15th May 1947.

EVY. 19/5.

Office of the R. L. A.

The draft order at pages 15-16 ante, as amended is in order, subject to the following remarks.

2. Instead of the expression "or of any force constituted under any law for the time being in force" in the preamble which is copied from section 8(1) of the Bombay Public Security Measures Act, 1947, it would be desirable to specify the particular force. The notification will otherwise be open to two objections: (1) it will be urged that it reproduces mechanically the wording of the section without Government having applied their mind to the forces they have in view; and (2) it might be declared void as it is not certain and positive in its terms; i.e. it does not contain adequate information as to what it forbids, so that the persons affected may be in no doubt as to what they are required to abstain from doing.

3. As regards the point raised in the Home Department office note dated 12-5-1947 at p.14 ante, as far as possible, only one of the two grounds viz. public safety or the maintenance of public order may be mentioned. If, however, Government are of opinion that both grounds are attracted the conjunctive rather than the disjunctive mode of expression may be used i.e. preferably "and" and not "or".

4. The Home Department draft proposes to exempt inter alia persons employed by the Port Trust. It is not necessary to refer to the Port Trust specifically in view of the change of the expression "local bodies" into "local authorities" as under section 3(26) of the Bombay General Clauses Act, 1904, the expression "local authority" includes a body of port trustees.

Sd/- P.M.Lad,

Remembrancer of Legal Affairs.

U.R. to H.D.(spe.) No. 216-Conf. dated the 15th May 1947.

VV. 19/5.

Office of the H.L.A.

A revised draft circular is sent herewith.

2. In view of H.L.A's opinion No. 1972, dated the 15th March 1944, the Home Department proposes to issue a circular as at page 3 ante directing that orders made under section 2 of the Bombay Public Security Measures Act, 1947, including those made and notified in the Bombay Government Gazette under section 2(6)(b) thereof should be served on the individuals concerned in the manner pointed out in the circular.

The High Court's judgment in Criminal Appeals Nos. 452 and 453 of 1943 to which the H.L.A. refers in this opinion No. 1972, dated the 15th March 1944, was largely influenced by the presence of rule 119 in the Defence of India Rules. In that judgment the High Court observes:

> "It was argued also that rule 119 cannot apply to orders passed under rule 26(6B)(b) because that rule provides for what is called a 'notified order' in other words, an order notified in the Bombay Government Gazette, and that failure to obey such an order carries with it immediate consequence irrespective of whether the person affects does mmk in fact know of the order or not. But in our view, there is no justification for limiting the scope of rule 119 to orders other than notified orders."

According to High Court's view the procedure laid down in rule 119 in regard to service of orders made under the Defence of India Rules also applies to notified orders made thereunder. Although in the Bombay Public Security M Measures Act, 1947, there is no provision on the lines of rule 119 of the Defence of India Rules laying down any specific procedure for the service of orders passed under the Act, it would be desirable that such orders should be served on the individuals concerned in the manner laid down in rule 119 so that the prosecution can in any particular case easily prove that the accused had sufficient knowledge of the order passed against him. But it will not always be possible to follow this procedure in the case of a direction notified in the Official Gazette. It will be

seen from sub-section (5) of section 2 of the Act, that a direction requiring a person in respect of whom an order has been made under clause (a) of sub-section (1) of section 2 becomes necessary in the event of such person absconding or concealing himself or otherwise delaying or frustrating the execution of the order. In such a case it will not be always possible to serve the direction on him as proposed in the draft circular. It is perhaps on this account that a provision is made in clause (b) of sub-section (5) of section 2 of the Act that the direction should be notified in the Official Gazette. I do not think that if in any particular case the direction made under clause (b) of sub-section (5) of section 2 of the Act is not served in the manner prescribed in the draft circular, the Courts will hold that the person against whom such a direction was made had no sufficient notice of the direction unless there was reason to belive that he was in the habit of reading the Bombay Government Gazette or read it in that particular instance. The draft circular has therefore been revised so as to make it clear that the direction notified in the Official Gazette should be served whenever possible in the manner prescribed therein.

Sd/- D.V.Vyas,
Remembrancer of Legal Affairs.

U.R. to H.D.(spl) No. 286.Cofl., dated 1st July 1947.

DVV. 19/5.

CONFIDENTIAL

Government of Bombay.
Home Department (Political).
Circular No. S.D./671.

Bombay Castle, June 1947.

C I R C U L A R.

The Bombay Public Security Measures Act, 1947, does not contain any provision prescribing manner in which orders issued under section 2 of the Act should be served on the individuals concerned. As it would be necessary to prove in any Criminal Case instituted against the person in respect of whom an order under section 2 of the Act has been passed that he had knowledge of the order, Government desires that orders made under section 2 of the Act should be served on the individuals concerned:-

(a) personally, by delivering or tendering the orders to them, or

(b) by post; or

(c) where the person concerned cannot be found, by leaving an authentic copy of the order with some adult male member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or personally worked for gain.

Similar procedure should be followed, wherever possible, in the case of directions issued under clause (b) of sub-section (5) of section 2 of the Act.

By order of the Governor of Bombay,

Secretary to the Government of Bombay,
Home Department.

EVI. 21/5.

R. L. A.'s Office.

Revised draft amendments in place of those at p-21 ante are sent herewith.

Sd/- P. M. Lad,
Remembrancer of Legal Affairs.

U.R. to H.D. (Poll.), No. 11616, dated 4th December 1947.

EVY. 21/5.

Home Department(Poll.),
Bombay Castle, 1947.

Bombay Public Security Measures Act, 1947.

No. S.D. 671 :- In exercise of the powers conferred by sub-section (4) of section 2 of the Bombay Public Security Measures Act, 1947(Bom. VI of 1947), the Government of Bombay is pleased to amend the Bombay Conditions of Detention Order, 1947, as follows, namely:-

In the said Order, :-

(i) to sub-clause (i) of clause 10, the following shall be added, namely:-

"In addition, he may be permitted to write letters to, and receive letters from, his legal advisers at the discretion of the Commissioner or the Superintendent".

(ii) after clause 11 the following new clauses shall be inserted, namely:-

"Toilet.

12. Every prisoner shall be supplied with neem or babul sticks at Government expense. Every 'A' class prisoner shall be supplied with four cakes, and every 'B' and 'C' class prisoner with two cakes of jail-made soap per month at Government expense.

Smoking and Tobacco.

13. A prisoner may be permitted to smoke or chew tobacco or to do both at his own expense, provided that either or both the privileges shall be liable to be withdrawn if abused.

Games.

14. Wherever accommodation permits, prisoners may be permitted by the Superintendent to play indoor games like cards at their own expense and inexpensive games such as ring tennis at Government

expense.

Newspapers.

15. A prisoner may be allowed at his own cost to read the newspapers included in a list prescribed by Government; Provided that if he wants any other newspapers, he shall seek the orders of Government through the Superintendent."

By Order of the Governor of Bombay,

Secretary to the Government of Bombay,
Home Department.

EVY. 21/5.

No.1678/5.
Home Department.
Bombay Castle, 15th December 194

NOTIFICATION.

Bombay Public Security Measures Act, 1947.

In exercise of the powers conferred by Section 12 of the Bombay Publi Security Measures Act, 1947 (Bombay VI of 1947), the Government of Bombay is pleased to direct that the special Judge appointed by Government Notification, Home Department No. 1678/5, dated the 24th March 1947, shall try the cases mentioned in the Schedule hereto annexed.

SCHEDULE.

S.No.	Name of the Policeme Station.	Criminal Register No.	Name of the accused.	Sections under which the accused is charged.
1	2	3	4	5
1.	Kalachowki	597/1947	1)Shankar Raoji Bahire and 2)Narayan Hari Indulkar	307 and 109 Indian Penal Code.
2.	— Do —	— Do —	Shankar Raoji Bahire	127(11) Bombay City Police Act, 1902.

By order of the Governor of Bombay,

V.T. Dehejia,

Secretary to the Government of Bombay,
Home Department.

No. 1678/5-B.
Home Department.
Bombay Castle, 15th December 1947.

Copy forwarded with compliments, for information to:-

The Prothonotary and Senior Master, High Court, Original Side, Bombay.
The Clerk of the Crown, High Court, Bombay.
The Clerk of the Special Court, High Court, Bombay.
The Chief Presidency Magistrate, Bombay.
The Public Prosecutor, Bombay.
The Legal Department.

Sd/-
for Secretary to the Government of Bombay,
Home Department.

EVY. 21/5.

Home Department.
Bombay Castle, 26th July 1947.

Bombay Public Security Measures Act, 1947.

NOTIFICATION.

In exercise of the powers conferred by section 13 of the Bombay Public Security Measures Act, 1947 (Bom. VI of 1947), the Government of Bombay is pleased to direct that the Special Judge appointed by Government Notification, Home Department, No. 1678/S, dated the 24th March 1947, shall try the case mentioned in the Schedule hereto annexed.

SCHEDULE.

Name of Police Stn.	Criminal Register No.	Name of accused.	Court case No. and name of the Court.	Section under which the accused is charged
Kurla	45/1947	Bala S/o Rafiq	1567/P/47 of X Court, Andheri.	307 Indian Penal Code.

By order of the Governor of Bombay,

V.T. DESHMUKH,
Secretary to the Government of Bombay,
Home Department.

No. 1678/S.B.
Home Department.
Bombay Castle, 26th July 1947.

Copy forwarded with compliments, for information to:-

The Prothonotary and Senior Master, High Court, Original Side, Bombay.
The Clerk of the Crown, High Court, Bombay.
The Clerk of the Special Court, High Court, Bombay.
The Chief Presidency Magistrate, Bombay.
The Commissioner of Police, Bombay.
The Public Prosecutor, Bombay.
The Legal Department.

Sd/- W. Miranda
for Secretary to the Government of Bombay,
Home Department.

LVI. 21/6.